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Permit No.: WA-005152-7
Issuance Date: September 8, 2005
Effective Date: October 1, 2005
Expiration Date: September 30, 2010

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-005152-7**

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON 98902**

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

**TREE TOP, INC.
WENATCHEE PLANT
P.O. BOX 1300
WENATCHEE, WASHINGTON 98801**

<u>Facility Location:</u>	<u>Receiving Water:</u>
3981 Chelan Highway Wenatchee, WA 98801	Columbia River at River Mile 470.8
<u>Water Body I.D. No.:</u>	<u>Discharge Location Outfall 001:</u>
WA-CR-1040	Latitude: 47° 29' 36" N Longitude: 120° 18' 36" W
<u>Industry Type:</u>	<u>SIC Number:</u>
Apple processing into dehydrated and frozen products	2034 & 2037

is authorized to discharge in accordance with the special and general conditions which follow.

G. Thomas Tebb, L.E.G.
Section Manager
Central Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A.	Discharge Monitoring Report	1/month	November 15, 2005
S3.E.2.	Noncompliance Notification	As necessary	As necessary
S3.E.3.	Noncompliance Report	As necessary	As necessary
S3.F.	Application for Permit Renewal	1/permit cycle	September 30, 2009
S4.A.	Updated Operations and Maintenance Manual	As necessary	As necessary
S4.B.1.	Notification of Bypass	As necessary	As necessary
S4.B.2.	Request for Bypass	As necessary	As necessary
S5.C.	Updated Solid Waste Control Plan	As necessary	As necessary
S6.	Updated Spill Control Plan	As necessary	As necessary
G1.	Notice of Change in Authorization	As necessary	As necessary

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action.

Beginning on **October 1, 2005** and lasting through **September 30, 2010**, the Permittee is authorized to discharge treated industrial wastewater to the Columbia River at the permitted location subject to the following limitations:

EFFLUENT LIMITATIONS: OUTFALL #001				
Parameter	Units	Average Year ^a	Average Monthly ^b	Maximum Daily ^c
BOD ₅	lbs/day	351	1,286	2,117
TSS	lbs/day	649	2,663	3,801
Parameter	Units	Daily Discharges		
pH	Standard Units	Shall not be outside the range of 6.0 to 9.0 ^d .		
^a The “average yearly” effluent limitation shall be the highest allowable average of daily discharges of the respective parameter sampled over a single calendar year. Each average yearly value is calculated as the sum of all daily discharges of the respective parameter measured during a single calendar year, divided by the number of days such measurements were taken during that same calendar year.				
^b The “average monthly” effluent limitation shall be the highest allowable average of daily discharges of the respective parameter sampled over a single calendar month. Each average monthly value is calculated as the sum of all daily discharges of the respective parameter measured during a single calendar month, divided by the number of days such measurements were taken during that same calendar month.				
^c The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day.				
^d Indicates the allowable range for all individual daily discharges of the respective parameter. When pH is continuously monitored: (1) all excursions between 5.5 and 6.0, or 9.0 and 9.5 shall not be considered in violation of the allowable range, provided no single excursion exceeds 60 minutes in duration and the total combined duration of all excursions over a single calendar month does not exceed 7 hours and 26 minutes; (2) all excursions below 5.5 or above 9.5 shall be considered in violation of the allowable range; and (3) both the instantaneous maximum and minimum values shall be reported monthly.				

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

Beginning on **October 1, 2005** and lasting through **September 30, 2010**, the Permittee shall monitor its wastewater discharges through Outfall #001 to the Columbia River at the permitted location according to the following schedule:

Parameter	Units	Minimum Sampling Frequency	Sample Type
Alkalinity	mg/L as CaCO ₃	1/quarter ^a	24-hr. composite ^b
BOD ₅	mg/L	1/week ^c	24-hr. composite
BOD ₅	lbs/day	1/week	Calculation ^d
Flow	mgd	Continuous ^e	Measurement
Hardness	mg/L as CaCO ₃	1/quarter	24-hr. composite
pH	Standard Units	2/week	Grab ^f
Temperature	°C	2/week	Grab
TKN	mg/L as N	1/quarter	24-hr. composite
TSS	mg/L	2/week	24-hr. composite
TSS	lbs/day	2/week	Calculation
^a "1/quarter" means once every calendar quarter during a typical work day. The sampling shall occur during the months of February, May, August and November of each calendar year.			
^b "24-hr. composite" means a series of, at least, 4 individual grab samples collected over a 24-hour period at selected intervals based on an increment of either flow or time, and combined into a single container to be subsequently analyzed as one homogeneous sample.			
^c "1/week" means sampled once per calendar week on a rotational basis throughout the days of the week, as much as possible.			
^d "Calculation" means figured concurrently with respective sample.			
^e Continuous means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance.			
^f "Grab" means an individual sample collected in less than 15 minutes.			

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored activity's discharge parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used by the Permittee to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least 1 calibration per year. Calibration records shall be maintained for at least 3 years.

D. Laboratory Accreditation

All monitoring data required by the Department of Ecology (Department) in this permit shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, pH, and internal process control parameters are typically exempt from this requirement; however, pH shall be accredited if the testing laboratory must otherwise be registered or accredited.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The failure to disclose, falsification of, or misrepresentation of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

This permit's first monitoring period begins on **October 1, 2005**. Monitoring results obtained during each monitoring period shall be summarized, recorded and submitted monthly on a **Discharge Monitoring Report (DMR)** form provided, or otherwise approved, by the Department. Submitted **DMR** forms shall be received by the Department no later than the 15th day of the previously completed monitoring period, whether or not the Permittee's facility was discharging wastewater.

If there was no discharge during a given monitoring period, the Permittee shall submit the **DMR** form, as required, with the words "no discharge" entered in place of the monitoring results. The **DMRs** shall be sent to:

Water Quality Permit Data Systems Manager
Washington State Department of Ecology
Central Region Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

All laboratory reports providing data for inorganic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units and concentration detected.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of 3 years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurements; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's **DMRs**.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately (within 24 hours) take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within 30 days after becoming aware of the noncompliance;
2. Immediately (within 24 hours) submit a **Noncompliance Notification** to the Department of the failure to comply; and
3. Submit a detailed **Noncompliance Report** to the Department within 30 days (5 days for upsets and bypasses), unless requested earlier by the Department. The report shall, at least, describe the nature of the noncompliance and its cause; the period of noncompliance (including exact dates and times) and if the noncompliance has not been corrected, the anticipated time it is expected to continue; corrective action taken and/or planned; steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; results of the resampling; and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Submittal of Application for Permit Renewal

The Permittee shall apply for permit renewal by **September 30, 2009**.

S4. OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed and/or utilized by the Permittee to achieve compliance with the terms and conditions of this permit. Where design criteria have been established, the Permittee shall not allow flows or waste loadings to exceed Department-approved design criteria, or Department-approved revisions thereto.

Proper operation and maintenance shall also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the Permittee only when the operation is necessary to achieve compliance with the terms and conditions of this permit.

A. Updated Operations and Maintenance Manual

In the event the Permittee modifies the wastewater treatment system, or if changes in production occur which require changes in treatment system operating procedures, an **Updated Operations and Maintenance (O&M) Manual** shall be prepared by the Permittee in accordance with WAC 173-240-150 and shall be submitted to the Department for approval. The **O&M Manual** shall be reviewed by the Permittee at least annually thereafter. All manual changes or updates shall be submitted to the Department, for approval, prior to incorporation into the manual.

The approved **O&M Manual** shall be kept available at the Permittee's facility and all applicable employees shall follow the instructions and procedures of the manual. The manual shall, at a minimum, include:

1. Emergency procedures for plant shutdown and cleanup in event of a major spill, catastrophe or other failure;
2. Plant maintenance procedures;
3. The facility process control and permit monitoring schedules; and
4. A Treatment System Operating Plan.

B. Bypass Procedures

The Permittee shall notify the Department of all spills, overflows, and bypasses from any portion of its collection/treatment system.

1. Unanticipated Bypass: The Permittee shall immediately notify the Department of all unanticipated bypasses from any portion of the collection/treatment system, and especially those which result in noncompliance with this terms and conditions of this permit, within 24 hours by means of a **Notification of Bypass**.
2. Anticipated Bypass that has the Potential to Violate Permit Limits or Conditions: The Permittee shall submit a **Request for Bypass** to the Department at least 30 days before the date of all anticipated bypasses which have the potential to violate the terms or conditions of this permit. The request shall, at a minimum, contain the following:

- a. A description of the bypass and its cause;
- b. An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing;
- c. A cost-effectiveness analysis of alternatives including comparative resource damage assessment;
- d. The minimum and maximum duration of bypass under each alternative;
- e. A recommendation as to the preferred alternative for conducting the bypass;
- f. The projected date of bypass initiation;
- g. A statement of compliance with SEPA; and
- h. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analyses required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included in the request, to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

If the Permittee has complied with all of the 3 conditions, contained in subsection 3, below, the Department will approve or deny the **Request for Bypass** after consideration of the adverse effects of the proposed bypass and any other relevant factors. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a **Request to Bypass** will be by administrative order issued by the Department under RCW 90.48.120.

3. For Bypasses Categorized as Either Anticipated or Unanticipated, Above:
The bypass of wastes from any portion of the collection/treatment system is prohibited, and the Department may take enforcement action against the Permittee, unless all of the following conditions apply:
- a. If the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the collection/treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources

which can reasonably be expected to occur in the absence of a bypass.

- b. If there are feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated or inadequately treated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated or inadequately treated wastes to another treatment facility.
 - c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment, and the required notice was properly submitted to the Department.
4. Bypass for Essential Maintenance Without the Potential to Cause Violation of the Terms and Conditions of this Permit: The Permittee is hereby authorized to bypass if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into State ground or surface waters.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter State waters without providing "all known, available and reasonable methods of prevention, treatment, and control" (AKART) nor allow such leachate to cause violations of the State *Surface Water Quality Standards*, Chapter 173-201A WAC, or the State *Ground Water Quality Standards*, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to State ground or surface waters.

C. Updated Solid Waste Control Plan

The Permittee shall submit an **Updated Solid Waste Control Plan** to the Department in the event solid waste handling practices change, or the amount or disposition of waste significantly changes. The plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include at a minimum a description, source, generation rate, and disposal methods of all solid wastes produced by the Permittee's facility.

The plan shall not be at variance with any approved local solid waste management plan. Any proposed revision or modification of the plan must be submitted to the Department prior to its incorporation into the plan. The Permittee shall comply with the plan and any modifications thereof.

S6. UPDATED SPILL CONTROL PLAN

The Permittee shall submit to the Department an **Updated Spill Control Plan** in the event significant changes occur in the onsite handling practices or storage of chemicals, or if the quantities or types of chemicals stored change. The plan shall detail how the Permittee plans on preventing, containing, and controlling all spills, or unplanned discharges, of: (1) oil and petroleum products; (2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070; and (3) other materials which may become pollutants or cause pollution upon reaching State's waters. Any proposed revision or modification of the plan must be submitted to the Department prior to its incorporation into the plan. The Permittee shall comply with the plan and all modifications thereof.

The **Updated Spill Control Plan** shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill;
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials; and
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into State waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR Part 154, 40 CFR Part 109, 40 CFR Part 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181 WAC or contingency plans required by Chapter 173-303 WAC may be submitted.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department; and,
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of B.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

G2. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;
- B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a material change in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G7. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner; and,
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to State waters.

G10. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.